

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

MILES LIVINGSTON, ANNA  
LIVINGSTON AND CHRISTOPHER  
GLAVACH,

Plaintiffs,

v.

LOUIS BERGER formerly LOUIS  
BERGER GROUP, VIRGIN ISLANDS  
WATER AND POWER AUTHORITY and  
BLUESOURCE, LLC,

Defendants.

Civil No. 1:19-CV-00012

**ACTION FOR DAMAGES**

JURY TRIAL DEMANDED

**CERTIFICATION IN SUPPORT OF MOTION TO COMPEL**

I, Lee J. Rohn, certify pursuant to LRCP 37.1 that the following is true and correct.

1. I make this affidavit of my own personal knowledge.
2. On August 20, 2020, Plaintiffs' Interrogatories and Requests for Production were emailed to Defendant's counsel.
3. On October 21, 2020, Defendant Bluesource forwarded Objections to the discovery which were overdue, and therefore, waived.
4. On November 6, 2020, Plaintiff wrote to Defendant Bluesource in compliance with LRCi 37.1.
5. On February 1, 2021, a meet and confer was conducted, counsel for Defendant Bluesource agreed to supplement some of its responses and declined to supplement others. The results of that meeting are attached hereto as **Exhibit A**.



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6. On December 8, 2021, an informal conference was held with the Magistrate Judge in compliance with LRCi 37.1 (c), however, the parties were unable to resolve the areas of dispute.

Dated: December 14, 2021

*/s/ Lee J. Rohn*

Lee J. Rohn

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February 5, 2021

**VIA ELECTRONIC MAIL**

Carl A. Beckstedt, III, Esq.  
Beckstedt & Kuczynski LLP  
2162 Church Street  
Christiansted, USVI 00820

RE: Livingston, Miles et. al. v. Berger & WAPA

Dear Attorney Beckstedt:

This confirms our meet and confer held on February 1, 2021.

**Rule 26 Disclosures**

You agreed to produce the contracts applicable to this work being done.

You agree to produce the insurance policy and any excess insurance policies.

**Interrogatories**

**Interrogatory No. 2.** You agreed to produce the applicable contract.

**Interrogatory No. 3.** You will supplement to note Blue Source safety person was assigned to the yard that day and went to the hospital after the incident.

**Interrogatory No. 4.** You agreed to supplement as to what service each person on the roll call provided on that date.

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**Interrogatory No. 5.** You agreed to supplement as to the substance of the call from Jonathan Clemens and what Kelly Leonard did when he went to the site.

You refused to supplement as to **Interrogatory Nos. 6, 12, 13, 16, 19, 22-26.**

**Demand for Production of Documents**

**Demand Nos. 1, 2, 28, 29,** we waived our request for supplementation.

You refused to supplement as to **Demands No. 3, 7, 8, 9, 14, 15, 20, 29, 12, 17, 25, 33, 34, 35, 36.**

**Demand No. 26.** You agreed to confirm whether there was an umbrella policy and if so to produce it.

You agreed to supplement within two (2) weeks of February 1, 2021.

If this is not your understanding of what occurred, please contact me immediately.

Cordially,



Lee J. Rohn

LJR/rn